

Cyberbullying - Advice for schools: Regulating off-site behaviour and applying sanctions in response to Cyberbullying

In response to queries from schools, please see below a summary of government guidance.

Cyberbullying can be defined as:

'The use of Information and Communications Technology (ICT), particularly mobile phones and the internet, deliberately to upset someone else'
(DCSF Safe to Learn)

It is very important for schools to take Cyberbullying seriously. Although Cyberbullying is not a specific criminal offence in UK law, there are criminal laws that can apply.

Taking a whole school approach to preventing Cyberbullying is essential. Education and discussion around responsible use and e-safety is key to helping young people to act responsibly and deal confidently with any problems that may arise whether in or out of school. Schools should ensure that anti-bullying policies and behaviour policies are reviewed and updated to include Cyberbullying; also consider the impact on a range of other policies – staff development, ICT support, acceptable use policies and e-learning strategies.

Schools should publicise not only the support available for students and how to report bullying, in addition, any rules and sanctions relating to the misuse of technology must be well publicised with both students and parents.

Bullying is never acceptable and the school community has a duty to protect all its members and provide a safe, healthy environment.

The Education and Inspections Act 2006 (EIA 2006) outlines some legal powers which relate more directly to Cyberbullying.

Head teachers have the power 'to such extent as is reasonable' to regulate the conduct of pupils when they are off-site.

So what does this mean for schools in practical terms?

Government guidance states 'an effective policy on school discipline and pupil behaviour should also set expectations for positive behaviour off the school site'

Further:

'Schools must act reasonably both in relation to expectations of pupil behaviour, and in relation to any measures determined for regulating behaviour by pupils, when off the school site and not under the lawful control or charge of a school staff member. **Ultimately only a court of law could**

decide what was reasonable in a particular case, but schools should decide what to take into account in deciding whether a rule or sanction is reasonable'

When determining the appropriate response and proportionate sanctions, it is important to consider the ways in which Cyberbullying incidents might differ in impact to other forms of bullying; the public nature of posted material, the extent of the humiliation and the difficulty in controlling copies of the material and therefore gaining closure over the event.

Guidance states that a school could sensibly take account of:
'The extent to which the behaviour in question would have repercussions for the orderly running of the school, and /or might pose a threat to another pupil or member of staff (e.g. bullying another pupil or insulting a member of staff)'

School Discipline and Pupil Behaviour Policies guidance states:

'New media (such as mobile phones, internet sites and chat rooms) can be exploited by pupils in order to bully or embarrass fellow pupils or members of staff. **Schools should make clear in their behaviour policy that the use of defamatory or intimidating messages and images inside or outside of school will not be tolerated, and that disciplinary sanctions will be applied to perpetrators.....**

.....Head teachers should adopt firm measures against abuse or intimidation of staff. This includes unacceptable conduct by pupils when not on the school site, and when not under the lawful control or charge of a member of staff of the school'

Appropriate disciplinary sanctions should be applied when the pupil is next in school.

For more detailed information please refer to:

School Discipline and Pupil Behaviour Policies guidance:
www.teachernet.gov.uk/wholeschool/behaviour/schooldisciplinepupilbehavior/policies/

DCSF Safe to Learn: Embedding anti-bullying work in schools – Cyberbullying
DCSF Cyberbullying: Supporting School Staff
The DCSF Suite of guidance is available on our website
www.beyondbullying.com

For further advice please contact:

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